

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALFONSO PERCY PEW,

Plaintiff,

v.

JOHN E. WETZEL, *et al.*,

Defendants.

No. 1:20-CV-00668

(Chief Judge Brann)

(Magistrate Judge Carlson)

ORDER

JANUARY 21, 2022

Alfonso Percy Pew filed an amended 42 U.S.C. § 1983 complaint alleging that numerous individuals violated his rights.¹ In October 2021, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court grant Defendants' motions to terminate Pew's authorization to proceed *in forma pauperis*, and to dismiss for failure to state a claim.² Magistrate Judge Carlson reached this recommendation after determining that Pew's amended complaint failed to assert imminent harm and that, in any event, the claims failed as a matter of law.³ After receiving an extension of time, Pew filed timely objections to the Report and Recommendation.⁴

¹ Docs. 61, 72.

² Doc. 91.

³ *Id.*

⁴ Docs. 95, 96, 98.

“If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”⁵ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.⁶ After reviewing the record, the Court finds no error in Magistrate Judge Carlson’s recommendation that Defendants’ motions be granted and Pew’s amended complaint be dismissed. Accordingly, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 91) is **ADOPTED**;
2. Defendants’ motions to revoke authorization to proceed *in forma pauperis* (Doc. 74) and to dismiss (Doc. 76) are **GRANTED**;
3. Pew’s amended complaint (Docs. 61, 72) is **DISMISSED**; and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge

⁵ *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

⁶ 28 U.S.C. § 636(b)(1); Local Rule 72.31.